

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45708 of 2015

Arising Out of PS.Case No. -67 Year- 2014 Thana -SONEPUR District- SARAN

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Dhananjay Mahto @ Dhananjay Mehta S/o Sheo Prasad Mahto @ Bhagelu
Mahto resident of village and P.S. Doriganj, District - Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay, Advocate

For the Opposite Party/s : Mrs. Sahin Begum(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

12 24-05-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in jail custody since
30.05.2015 in connection with Sonapur P.S. Case No. 67 of
2014 registered for the offences punishable under Section 376
of the Indian Penal Code.

The prosecution case is that on 02.03.2014 at
about 4:00 P.M. while the informant was cutting grass,
petitioner committed rape upon her, as a result of which she
became unconscious and when regained consciousness, she
found that 4-5 women had surrounded her and thereafter those
women took her to home. It is stated in the First Information
Report that due to ignorance and fear, the police was not

informed earlier.

It has been submitted by the counsel for the petitioner that petitioner is innocent and has falsely been implicated in the aforesaid case as he does not belong to the same village, but he is nephew of co-villager, Shyam Babu Mahto. He submits that petitioner has no criminal antecedent, as is evident from paragraph-3 of this petition. He further submits that the First Information Report has been lodged after two days of the occurrence and no plausible explanation has been given for the delay. He submits that the informant in her re-statement has given contradictory version of the occurrence. He is a man of means and there is no chance of tampering with the evidence or absconding.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, considering the period of custody of the petitioner and that he bears no criminal antecedent as also the fact that in the re-statement, informant has given contradictory version of the occurrence, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties



of the like amount each to the satisfaction of the learned Chief
Judicial Magistrate, Saran at Chhapra in connection with
Sonepur P.S. Case No. 67 of 2014.

(Nilu Agrawal, J.)

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